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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BRENDA RHOTEN,

Plaintiff,

v.

ROCKING J RANCH, LLC dba THE
RANCH AT ROCK CREEK,

Defendant.

Cause No.

NOTICE OF REMOVAL

TO: BRENDA RHOTEN, Plaintiff; LAWRENCE E. HENKE, ADDAM D.
PINCOCK, VICEVICH LAW, Plaintiff's Attorneys; and GRANITE
COUNTY CLERK OF DISTRICT COURT

Defendant, Rocking J Ranch, LLC dba The Ranch at Rock Creek,

respectfully gives notice and shows the Court:

1. On March 24, 2021, an action was commenced against Defendant in the Montana Third Judicial District Court, Granite County entitled *Brenda Rhoten v. Rocking J Ranch, LLC dba The Ranch at Rock Creek*, Cause No. DV-21-08. Service of process was made upon Defendant on April 5, 2021. This Notice is therefore timely pursuant to 28 U.S.C. § 1446. Venue is proper in this division. Copies of the Civil Cover Sheet, Complaint, Summons and Affidavit of Service are attached hereto as Exhibits A, B, C and D. No further proceedings have been had in the action.

2. The Complaint on file herein does not state the amount of damages being sought by Plaintiff. However, Defendant has been made aware that Plaintiff's claims for wrongful discharge, disability discrimination, employment discrimination, and negligence could exceed \$75,000.00. Plaintiff also seeks punitive damages and an award of attorney's fees. Thus, the damages sought in the Complaint exceed the sum of Seventy-Five Thousand and No/100 Dollars (\$75,000.00), exclusive of interest and costs.

3. Plaintiff at the time this action was commenced was and still is a resident of Missoula County, Montana.

4. Defendant at the time this action was commenced was and still is a limited liability company formed under the laws of the State of Delaware and was not and is not a citizen of the State of Montana, wherein this action was brought.

Its principal place of business is in Philipsburg, Montana. Defendant is owned by “The Manley 2018 Family Trust” which is a Trust organized under the laws of Delaware, with the Trustee residing in Connecticut.

5. The above-described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is one which may be removed to this Court by the Defendant herein, pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the matter in controversy exceeds the sum or value of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens of different states.

6. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), Defendant will file its Answer to Plaintiff’s Complaint within 7 days after filing of Notice of Removal.

WHEREFORE, Defendant prays that the action now pending against it in the Montana Third Judicial District Court, Granite County, be removed therefrom to this Court.

DATED this 16th day of April, 2021.

/s/ Robert C. Lukes
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2021, a copy of the foregoing document was served on the following persons by the following means:

_____	Hand Delivery
<u>1-2</u>	Mail
_____	Overnight Delivery Service
_____	Fax (include fax number in address)
<u>1-2</u>	E-Mail (include email in address)

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